

United States Courts
Southern District of Texas
FILED

**United States Court of Appeals
for the Fifth Circuit**

February 25, 2025

Nathan Ochsner, Clerk of Court
United States Court of Appeals
Fifth Circuit

FILED

February 25, 2025

Lyle W. Cayce
Clerk

No. 24-20142

KENNETH D. ANDERSON; KRISTEN SANDOVAL, *Individually and
Next Friend and Trustee of* N.B.A. and N.K.A.; ESTATE OF KENNETH
ANDERSON, JR.; N.B.A.; N.K.A.,

Plaintiffs—Appellees,

EVELYN FAY AYERS-WOODS; KENNETH ANDERSON, SR.,

Intervenor Plaintiffs—Appellees,

versus

CRYSTAL ESTRADA, *Deputy*; MOHANAD ALOBAIDI, *Deputy*;
VICTOR PAGE, *Deputy*; MERCY GARCIA, *Deputy*,

Defendants—Appellants.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CV-3730

No. 24-20142

ORDER:

IT IS ORDERED that Appellees' motion to view and obtain sealed documents is GRANTED.

/s/ E. Grady Jolly

E. GRADY JOLLY
United States Circuit Judge

No. 24-20142

**United States Court of Appeals
for the
Fifth Circuit**

Kenneth D. Anderson; Kristen Sandoval, Individually and Next Friend
and Trustee of N.B.A. and N.K.A.; Estate of Kenneth Anderson, Jr.;
N.B.A.; N.K.A.,

Plaintiffs - Appellees

Evelyn Fay Ayers-Woods; Kenneth Anderson, Sr.,

Intervenor Plaintiffs - Appellees

v.

Crystal Estrada, Deputy; Mohanad Alobaidi, Deputy; Victor Page,
Deputy; Mercy Garcia, Deputy,

Defendants - Appellants

On Appeal from the United States District Court for the Southern
District of Texas, Houston Division, 4:21-CV-3730
The Hon. Alfred H. Bennett, presiding

**APPELLEES' MOTION TO VIEW AND OBTAIN SEALED
PORTIONS OF THE RECORD**

Submitted By:

George Edwards
Eman Patricia Arabi Katbi
602 Sawyer Street, Suite 490
Houston, Texas 77007
Phone: (713) 565-1353
Fax: (713) 583-8715

*Counsel for Plaintiffs-Appellees
Kenneth D. Anderson, Kristen
Sandoval, Individually and Next
Friend and Trustee of N.B.A. and
N.K.A., Estate of Kenneth
Anderson, Jr.*

CERTIFICATE OF INTERESTED PARTIES

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case.

Plaintiffs-Appellees:

Kenneth D. Anderson,
Kristen Sandoval, Individually and Next
Friend and Trustee of N.B.A. and N.K.A.,
Estate of Kenneth Anderson, Jr.,

Counsel:

George Edwards
Eman Patricia Arabi Katbi

Intervenors-Appellees:

Evelyn Fay Ayers-Woods
Kenneth Anderson Sr.

Counsel:

Allen H. Zwernemann
Ajay Ketkar

Appellants-Defendants:

Victor Page
Mercy Garcia
Mohanad Alobaidi
Crystal Estrada

Counsel:

Robert H. Ford
Richard Kuniansky
David B. Adler
James Carroll Butt

Defendant (not a party to this appeal): Counsel:

Harris County

Ricardo J. Navarro

**MOTION TO VIEW AND OBTAIN SEALED PORTIONS OF THE
RECORD**

Appellees Kenneth D. Anderson, Kristen Sandoval, Individually and Next Friend and Trustee of N.B.A. and N.K.A., and Estate of Kenneth Anderson, Jr. (“Appellees”) request that the Court grant Appellees access to the sealed portions of the record, which are important to the issues on appeal. Intervenor Evelyn Fay Ayers-Woods and Kenneth Anderson Sr., and Appellants Victor Page, Mercy Garcia, Mohanad Alobaidi, and Crystal Estrada (“Appellants”) are unopposed to the relief sought in this motion.

Appellants appeal an order that denied qualified immunity to Appellants which was entered on March 8, 2024, in Kenneth D. Anderson et. al v. Harris County et. al, No. 4:21-CV-3730 (S.D. Tex. filed Nov. 24, 2021), ROA. 24-20142.2677, which Appellants timely appealed. ROA. 24-20142.2827. The district court certified the record on appeal to this Court on June 7, 2024, which was made available to Appellees on June 21, 2024. Certain portions of that record remain unavailable to the Appellees, however, because such portions were sealed in the proceedings below and, under this Court’s policy, those sealed portions of the record remain unavailable to the parties pending an order from the Court. These sealed

portions of the record include the autopsy report, a flash drive containing body worn camera footage, and the internal affairs report regarding the events made the basis of the suit (among other key documents).

Appellees anticipate that the parties will cite to and discuss these sealed portions of the record during oral argument. Appellees therefore ask that the Court grant Appellees permission to view and obtain the sealed portions of the record so that the appropriate citations to the record on appeal made be made in appropriate oral argument. Appellees further requests that the Court released all sealed portions of the record to all members of the Court and its staff and to all counsel of record to permit them to view and have access to the sealed record through an accessible medium, whether online or a separate storage device made available only to the parties.

Date: 2/15/2025

Respectfully submitted,

/s/ Eman Patricia Arabi Katbi

George Edwards III

State Bar No. 24055438

Fed. Id. No. 1031248

Eman Patricia Arabi Katbi

State Bar No. 24092045

Fed. Id. No. 3355458

602 Sawyer Street, Suite 490

Houston, Texas 77007

Phone: (713) 565-1353
Fax: (713) 583-8715
Email: george@eslawpartners.com
Email: eman@eslawpartners.com
COUNSEL FOR PLAINTIFFS-
APPELLEES KENNETH D.
ANDERSON, KRISTEN SANDOVAL,
INDIVIDUALLY AND NEXT FRIEND
AND TRUSTEE OF N.B.A. AND
N.K.A., and ESTATE OF KENNETH
ANDERSON, JR.

/s/ Allen Zwernemann (with
permission)

Allen H. Zwernemann
FID No. 2851120
SBN: 24034755
114 Byrne Street
Houston, Texas 77009
Phone: (281) 221-7168
Fax: (281) 783-4247
Email: az@azlf.com
COUNSEL FOR INTERVENORS-
APPELLANTS EVELYN AYERS-
WOODS AND KENNETH
ANDERSON, SR.

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2025, I sent a true and correct copy of the above and foregoing Appellees' Motion to View and Obtain Sealed Documents by service electronically through the Court's ECF System upon all counsel of record.

/s/ Eman Patricia Arabi Katbi
Eman Patricia Arabi Katbi

CERTIFICATE OF CONFERENCE

On February 5, 2025, Eman Arabi-Katbi, counsel for Appellees Kenneth D. Anderson, Kristen Sandoval, Individually and Next Friend and Trustee of N.B.A. and N.K.A., and Estate of Kenneth Anderson, Jr., emailed a copy of the above and foregoing Appellees' Motion to View and Obtain Sealed Documents to Intervenor's and Appellants' counsel in an effort to conference on the relief sought therein. Intervenor's are unopposed to the relief Appellees seek in this motion. Appellees' counsel has not received a response from Appellants' counsel Robert Ford, Richard Kunianski, David Adler, and James Butt after waiting for nine (9) days.

/s/ Eman Patricia Arabi Katbi
Eman Patricia Arabi Katbi

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of FED. R. APP. P. 32(a)(7)(B) because this brief contains 332 words, excluding the parts of the brief exempted by FED. R. APP. P. 32 (a)(7)(B)(iii).

2. This brief complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type style requirements of FED. R. APP. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2019 in Century Schoolbook with 14-point type for text and 12-point type for footnotes.

/s/ Eman Patricia Arabi Katbi

George Edwards

Eman Patricia Arabi Katbi

Counsel for Plaintiffs-Appellees

Kenneth D. Anderson, Kristen

Sandoval, Individually and Next

Friend and Trustee of N.B.A.

and N.K.A., Estate of Kenneth

Anderson, Jr.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

February 25, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-20142 Anderson v. Estrada
USDC No. 4:21-CV-3730

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Christy Combel

By: _____
Christy M. Combel, Deputy Clerk
504-310-7651

Mr. David B. Adler
Ms. Eman Patricia Arabi Katbi
Mr. James Carroll Butt
Mr. George Edwards III
Mr. Robert Henry Ford
Ms. Christine Diane Herron
Mr. Ajay Ketkar
Mr. Richard B. Kuniansky
Mr. Nathan Ochsner
Mr. Allen Holden Zwernemann